

Remarks

Applicant has reviewed the Final Office Action dated as mailed September 12, 2007, and the documents cited therewith. After the above amendments have been made, the present application contains claims 1, 3-10, 11, 13-19, 21-27, 29-30, 36, 38-46. Claims 1, 3-5, 11, 21, 36, and 38-41 have been amended. Claims 2, 12, 20, 28, 31-35, and 37 have been canceled.

Claim Rejections under 35 U.S.C. §101

Claims 36-46 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 36 has been amended to recite:

“A computer-readable medium encoded with computer-executable instructions for performing a method, wherein the computer-readable medium is one of an electronic, optical, electromagnetic, infrared or semiconductor system...” (emphasis added)

Applicant respectfully submits that claim 36 as amended recites statutory subject matter under Section 101 and M.P.E.P. §2106.01 I., and reconsideration and withdrawal of the 35 U.S.C. §101 rejection of claim 36 is respectfully requested.

Claims 38-46 as depending from independent claim 36 are also submitted to recite statutory subject matter under Section 101 an M.P.E.P §2106.01 I. Reconsideration and withdrawal of the Section 101 rejection of claims 38-46 is respectfully solicited.

Claim Rejections under 35 U.S.C. §102

Claims 1-12, 14-19, 21-26, and 29-46 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,406,476 to Deziel, Jr., et al. (hereinafter Deziel). This rejection is respectfully traversed. Turning initially to the rejection of independent claims 1 under 35 U.S.C. §102(b) as being anticipated by Deziel, claim 1 has been amended to recite:

“collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes for determining the estimated project churn, wherein collecting heuristic information comprises at least one of:

- collecting a time to complete a same or a similar task in another project;
- sampling a plurality of times to complete the same or similar task in a plurality of other projects;
- surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task...”

Claim 1 has been amended to include the features of dependent claim 2 and additional features which patentably distinguish over Deziel. Column 7, lines 58-67 of Deziel were cited in rejecting claim 2. Column 7, lines 58-67 of Deziel recite:

“(1) In box 101, the user or manager defines the project network. This is done by identifying all of the activities that a project will entail as well as the necessary order (precedence) for carrying out the activities. The precedence is specified according to precedence arcs which identify for each activity those activities (if any) which must be scheduled and completed before the current activity can be scheduled. The user will also specify the parameters of a probability distribution on activity duration for each activity. Any parametric form of probability distribution may be used.”

Applicant respectfully submits that this recitation from Deziel merely teaches that the user or manager identifies all activities associated with a project as well as the necessary order (precedence) for carrying out the activities, and Deziel does not teach or suggest collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes as provided by the embodiment of the present invention as recited in amended claim 1. Deziel also does not teach or suggest that collecting the heuristic information comprises at least one of: collecting a time to complete a same or a similar task in another project; sampling a plurality of times to complete the same or similar task in a plurality of other projects; and surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task as provided by amended claim 1. Therefore, claim 1 is respectfully submitted to be patentably distinguishable over Deziel, and

reconsideration and withdrawal of the 35 U.S.C. §102 rejection of independent claim 1 is respectfully requested.

Regarding the rejection of claims 3-10 under 35 U.S.C. §102(b) as being anticipated by Deziel, at least claims 8, and 10 recite additional features which further patentably distinguish over Deziel. Claim 8 recites, “performing a weighted average duration analysis on the average time requirement for each task of the project requiring rework or modification in response to any potential project changes.” The Office Action cited column 8, lines 24-26 of Deziel in rejecting claim 8. Column 8, lines 24-26 of Deziel recite:

“(3) In box 103, an initial estimate of the project’s duration is calculated using $N^{-1} (\%) | t_j^u, t_j^v)$ for each activity’s duration.”

Deziel in Column 6, lines 5-7 defines the equation in Column 8, lines 24-26:

“ $N^{-1} (\%) | \mu, \nu)$ The inverse cumulative normal distribution for a given mean μ , variance ν , valued at a probability $\%.$ ”

Accordingly, the cited section of Deziel teaches determining an inverse cumulative distribution and not performing a weighted average duration analysis as recited in claim 8.

Claim 10 recites: “tracking reworked tasks and time duration to complete each reworked task during the course of the project.” The Office Action asserted column 19, lines 19-28, in rejecting claim 10. Applicant respectfully submits that column 19, lines 19-28, of Deziel merely indicate that the project network is scheduled and available for review and utilization by the user for managing a project and allocating tasks and resources according to the scheduled project and that the variety of information may be viewed in a variety of formats. Applicant respectfully submits there is no teaching or suggestion in Deziel of tracking reworked tasks and time duration to complete each reworked task during the course of the project as provided by the embodiment of the present invention recited in claim 10.

Claims 3-10 also depend either directly or indirectly from independent claim 1. Because of this dependency, claims 3-10 include all of the features of independent claim 1. Therefore, claims 3-10 are also submitted to be patentably distinguishable over Deziel, and reconsideration and withdrawal of the 35 U.S.C. §102 rejection of claims 3-10 is respectfully solicited.

Turning now to the rejection of claims 11, and 14-19 under 35 U.S.C. §102(b) as being anticipated by Deziel, independent claim 11 has been amended to recite similar features to claim 1. Therefore, claim 11 is respectfully submitted to be patentably distinguishable over Deziel for the same reasons as discussed with respect to claim 1.

With regard to the rejection of claims 14-19, these claims depend directly from independent claim 11. As a result of this dependency, claims 14-19 include all of the features of independent claim 11. Therefore, claims 14-19 are also submitted to be patentably distinguishable over Deziel, and reconsideration and withdrawal of the Section 102 rejection of claims 14-19 is respectfully requested.

Regarding the rejection of independent claim 21 under 35 U.S.C. §102(b) as being anticipated by Deziel, claim 21 has been amended to recite similar features to claim 1. Therefore, independent claim 21 is respectfully submitted to be patentably distinct over Deziel for the same reasons as discussed with respect to claim 1. Therefore, reconsideration and withdrawal of the Section 102 rejection of independent claim 21 is respectfully solicited.

Regarding the rejection of claims 22-26 and 29-30 under 35 U.S.C. §102(b) as being anticipated by Deziel, these claims depend either directly or indirectly from independent claim 21. Because of this dependency, claims 22-26 and 29-30 include all of the features of independent claim 21. Accordingly, claims 22-26 and 29-30 are also submitted to be patentably distinct over Deziel, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully requested.

Turning now to the rejection of claims 36, and 38-46 under 35 U.S.C. §102(b) as being anticipated by Deziel, independent claim 36 has been amended recites similar features to independent claim 1. Therefore, independent claim 36 is submitted to be patentably distinguishable over Deziel for the same reasons as discussed with respect to claim 1.

Claims 38-46 depend either directly or indirectly from independent claim 36. Because of this dependency, claims 38-46 include all of the features of independent claim 36. Therefore, claims 38-46 are also submitted to be patentably distinguishable over Deziel. Reconsideration and withdrawal of the Section 102 rejection of claims 38-46 is, therefore, respectfully requested.

Claim Rejections under 35 U.S.C. §103

Claims 13 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of U.S. Patent No. 5,826,236 to Narimatsu, et al. (hereinafter Narimatsu). This rejection is respectfully traversed. Claim 13 depends directly from independent claim 11 and claim 27 depends indirectly from independent claim 21. Because of these dependencies, claims 13 and 27 include all of the features of the referenced independent claim and any intermediate claims. Applicant respectfully submits that Narimatsu adds nothing to the teachings of Deziel so as to render independent claims 1 and 21 unpatentable. Therefore, claims 13 and 27 are respectfully submitted to be patentably distinguishable over Deziel and Narimatsu, and reconsideration and withdrawal of the Section 103 rejection of claims 13 and 27 is respectfully solicited.

Amdt. dated November 12, 2007

Reply to Final Office Action of September 12, 2007

Conclusion

Applicant respectfully requests entry of this amendment under Rule 116 in that this amendment renders all of the claims in the present application in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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